

Final Text of Proposed Regulations

In the following, underline indicates additional text, and ~~striketrough~~ indicates deleted text.

Article 9. Personal Property

3190. General Policy.

Subsection 3190(a) is unchanged.

New subsection 3190(b) is adopted to read:

(b) Specific items of personal property shall be established by a consensus of individual facilities within each of five mission-based regions of the Division of Adult Institutions. A list of allowable property shall be developed and updated by each mission-based region no more frequently than twice yearly. Local exceptions to the individual mission-based property lists shall also be identified. All changes to the Authorized Personal Property Schedule shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11364).

The following five mission-based regional property lists are incorporated by reference:

(1) Authorized Personal Property Schedule – Reception Centers (Rev. 2/1/078): This personal property schedule applies to the following facilities: ~~Facilities within the Reception Center mission provide short term housing to male inmates for evaluation of long term housing and programming needs. Facilities within the Reception Center Mission are subject to this Authorized Personal Property Schedule, and include:~~

(A) California Institution for Men – Reception Center and Administrative Segregation Unit Housing, only.

(B) Deuel Vocational Institution – Reception Center and Administrative Segregation Unit Housing, only.

(C) North Kern State Prison – Reception Center and Administrative Segregation Unit Housing, only.

(D) Richard J. Donovan Correctional Facility – Reception Center and Administrative Segregation Unit Housing, only.

(E) San Quentin State Prison – Reception Center and Administrative Segregation Unit Housing, and, only.

(F) Wasco State Prison – Reception Center and Administrative Segregation Unit Housing only.

(G) California Correctional Institution – Reception Center Housing only.

(H) California State Prison, Los Angeles County – Reception Center Housing only.

(I) High Desert State Prison – Reception Center Housing only.

(2) Authorized Personal Property Schedule – Levels I, II, III, Male Conservation Camps and Community Correctional Facilities (Rev. 2/1/078): This personal property schedule applies to the following facilities: ~~Facilities within the Levels II, III, Male Conservation Camps and Community Correctional Facilities mission provide long term housing and services to minimum, low and lower medium custody, general population male inmates; and provide for the training and placement of male inmates in the conservation camp program. Facilities within the Levels II, III, Male Conservation Camps and Community Correctional Facilities mission are subject to this Authorized Personal Property Schedule, and include:~~

(A) Avenal State Prison – Levels I and II General Population and Administrative Segregation Unit Housing;

(B) California Correctional Center – Levels I, II, III General Population, Administrative Segregation Unit Housing and Male Conservation Camps;

(C) California Institution for Men – Level I General Population Housing; only.

(D) California Rehabilitation Center – Levels I and II General Population and Administrative Segregation Unit Housing;

(E) California State Prison, Solano – Levels II and III General Population and Administrative Segregation Unit Housing;

(F) Correctional Training Facility – Levels, I, II, and III General Population and Administrative Segregation Unit Housing;

(G) Chuckawalla Valley State Prison – Levels I and II General Population and Administrative Segregation Unit Housing;

(H) Deuel Vocational Institution – Levels I and II General Population Housing; only.

(I) Folsom State Prison – Levels I, II, and III General Population and Administrative Segregation Unit Housing;

(J) Ironwood State Prison – Levels I and II General Population and Administrative Segregation Unit Housing;

(K) Pleasant Valley State Prison – Levels I, III and IV General Population and Administrative Segregation Unit Housing; General Population Housing only.

(L) California Substance Abuse Treatment Facility and State Prison, Corcoran – Levels I, II, III and IV General Population Housing only, and Administrative Segregation Unit Housing.

(M) North Kern State Prison – Levels I and II General Population Housing only.

(N) Richard J. Donovan Correctional Facility – Levels I and III General Population Housing only.

(O) San Quentin State Prison – Levels I and II General Population Housing only.

(P) Sierra Conservation Center – Levels I, II and III General Population, Administrative Segregation Unit Housing and Male Conservation Camps, and

(Q) Wasco State Prison – Levels I and III General Population Housing only.

(R) Calipatria State Prison – Level I General Population Housing only.

(S) Centinela State Prison – Level I General Population Housing only.

(T) California Men’s Colony – Levels I and II General Population Housing only.

(U) California Medical Facility – Levels I and II General Population Housing only.

(V) California State Prison, Los Angeles County – Level I General Population Housing only.

(W) Mule Creek State Prison – Levels I and II General Population Housing only.

(X) California Correctional Institution – Levels I and II General Population Housing only.

(Y) Corcoran State Prison – Level I General Population Housing only.

(Z) High Desert State Prison – Levels I and II General Population Housing only.

(AA) California State Prison, Sacramento – Levels I and II General Population Housing only.

(BB) Pelican Bay State Prison – Level I General Population Housing only.

(CC) Kern Valley State Prison – Level I General Population Housing only.

(DD) Salinas Valley State Prison – Levels I and II General Population Housing only.

(3) Authorized Personal Property Schedule – Levels III and IV (Rev. 2/1/078). This personal property schedule applies to the following facilities: ~~Facilities within the Levels III and IV mission provide long term housing and services to higher medium and maximum custody general population male inmates. Facilities within the Levels III and IV mission are subject to this Authorized Personal Property Schedule, and include:~~

(A) Calipatria State Prison – Levels I and IV General Population and Administrative Segregation Unit Housing, only.

(B) Centinela State Prison – Levels I and III General Population and Administrative Segregation Unit Housing, only.

(C) California Men’s Colony – Levels I, II and III General Population and Administrative Segregation Unit Housing, only.

(D) California Medical Facility – Levels I, II and III General Population and Administrative Segregation Unit Housing, only.

(E) California State Prison, Los Angeles County – Levels I, IV General Population and Reception Center and Administrative Segregation Unit Housing, only.

(F) Mule Creek State Prison – Levels I, II, III and IV General Population and Administrative Segregation Unit Housing, only.

(G) Pleasant Valley State Prison – Levels I, III and IV General Population and Administrative Segregation Unit Housing, only.

(H) California Substance Abuse Treatment Facility and State Prison, Corcoran – Levels I, II, III and IV General Population and Administrative Segregation Unit Housing, and only.

(I) Richard J. Donovan Correctional Facility – Level IV General Population Housing only.

(4) Authorized Personal Property Schedule – High Security and Transitional Housing (Rev. 2/1/078). This personal property schedule applies to the following facilities: ~~Facilities within the High Security and Transitional Housing mission provide long term housing and services to maximum custody, high security male inmates that have proven to be unsuitable for placement in less restrictive facilities. Facilities within the High Security and Transitional Housing mission are subject to this Authorized Personal Property Schedule, and include:~~

(A) California Correctional Institution – Levels I, II and IV General Population, Reception Center, Administrative Segregation Unit and Security Housing Unit Housing, only.

(B) Corcoran State Prison – Levels I, III, and IV General Population, Administrative Segregation Unit and Security Housing Unit Housing, only.

(C) High Desert State Prison – Levels I, II, III and IV General Population, and Administrative Segregation Unit and Reception Center Housing, only.

(D) Kern Valley State Prison – Levels I and IV General Population and Administrative Segregation Unit Housing, only.

(E) Pelican Bay State Prison – Levels I and IV General Population, Administrative Segregation Unit and Security Housing Unit Housing, only.

(F) California State Prison, Sacramento – Levels I, II and IV General Population and Administrative Segregation Unit Housing, and only.

(G) Salinas Valley State Prison – Levels I, II, III and IV General Population and Administrative Segregation Unit Housing, only.

(5) Authorized Personal Property Schedule – Female Offenders Programs (Rev. 2/1/078). This personal property schedule applies to the following facilities: Facilities within the Female Offenders Programs mission serve as Reception Centers, providing short term housing to female inmates for initial assessment, and provide long term housing and services to all levels of custody and security for female inmates. Facilities within the Female Offenders Programs mission are subject to this Authorized Personal Property Schedule, and include:

(A) Central California Women’s Facility – Levels I, II, III and IV General Population, Administrative Segregation Unit and Reception Center Housing.

(B) California Institution for Women – Levels I, II and III General Population, Administrative Segregation Unit and Reception Center Housing, and

(C) Valley State Prison for Women – Levels I, II, III and IV General Population, Reception Center, Administrative Segregation Unit and Security Housing Unit Housing.

Facilities are subject to the Authorized Personal Property Schedule exemptions that have been granted to particular institutions and which are identified at the beginning of each of the property lists referenced in subsections 3190(b)(1) through 3190(b)(5) above.

Existing subsections 3190(c) through (h) are renumbered to 3190(c) through (e) and are unchanged.

Existing subsection 3190(e) is renumbered to 3190(f) and amended to read:

(ef) Inmates may possess allowable food and personal care/hygiene items, and personal clothing in their quarters/living areas, subject to section 3190(a), unless otherwise prohibited by these regulations. The total volume of canteen merchandise retained in possession of an inmate shall be pursuant to section 3094. Inmates shall be required to maintain their purchase receipt to verify purchases until such items are expended.

Existing subsections 3190(f) through (g) are renumbered to 3190(g) through (h) and are unchanged.

Existing subsections 3190(h) through (i) are renumbered to 3190(i) through (j) and amended to read:

(hi) Inmates shall be allowed special purchases of authorized personal property items from ~~departmentally~~ locally-approved special purchase vendors (except as provided for publications (including books and subscriptions to periodicals) in Sections 3190(i)(2) and 3190(i)(7) below).

The institution head or designated staff shall ensure approved vendor catalogs and order forms are available to inmates who qualify. Special purchases shall only include the following:

(1) Health Care Appliances, subject to prescription by health care staff and approval by designated custody staff, shall be excluded from the six cubic foot limitation of section 3190(~~bc~~).

(2) Legal Material, including legal reference material, books, and legal pads not available in the institution canteen, pursuant to section 3161. There shall be no "Approved Vendor Lists" for any legal publications. Inmates may receive legal publications from any publisher, book store or book distributor that does mail order business.

(3) Correspondence Courses, subject to approval by supervisor of correctional education programs and designated custody staff.

(4) Religious Items, subject to approval by institutional chaplain and designated custody staff.

(5) Handicraft Material, subject to approval by handicraft manager and designated custody staff.

(6) Entertainment Appliances and Musical Instruments, subject to qualifying privilege group and/or security level/institution mission.

(7) All publications, including Bbooks and subscriptions to periodicals, subject to section 3006.

There shall be no "Approved Vendor Lists" for any publications. Inmates may receive publications from any publisher, book store or book distributor that does mail order business.

(i) Inmates may be allowed to possess appliances and one musical instrument as follows:

(1) Inmates assigned to Privilege Groups A or B may possess up to ~~two~~three approved appliances in their quarters/living area and shall not exceed the six cubic feet maximum limitation. One musical instrument with case not exceeding 46'' x 24'' x 12'' may be substituted as one of the ~~two~~three appliances.

Subsections 3190 (j)(2) through (5) are unchanged.

Existing subsections 3190(j) through (l) are renumbered to 3190 (k) through (m) and are unchanged.

Existing subsection 3190(m) is renumbered to 3190(n) and is amended to read:

(~~m~~n) Inmate correspondents shall be permitted to purchase appliances for qualifying inmates, including health care and entertainment appliances and/or musical instruments from a ~~departmentally~~ locally-approved vendor, pursuant to section 3044.

Existing subsections 3190(n) through (r) are renumbered to 3190(o) through (s) and are unchanged.

Existing subsection 3190(s) is renumbered to 3190(t) and is amended to read:

(~~st~~) Privilege Group A or B inmates placed in administrative segregation (AD SEG) shall have their property inventoried and stored pending the outcome of ~~AD SEG placement~~ Initial Classification Committee review. If the inmate is released to general population and maintains their Privilege Group A or B assignment, all allowable property shall be returned. If the inmate is retained in AD SEG, all allowable property as determined by current departmental regulations shall be reissued to the inmate. If the inmate received a SHU term, the inmate shall be required to dispose of unallowable property due to privilege group and/or security level and/or institution mission change in accordance with section 3191(c).

NOTE: Authority cited: Section 5058 and 5058.3, Penal Code. Reference: Sections 2086, 2601(~~e~~)(2), 5006 and 5054, Penal Code; *In re Alcala*, Marin County Superior Court, No. 117925, December 20, 1984 and *Armstrong v. Davis Court Ordered Remedial Plan*, Amended January 3, 2001; *In re Armstrong*, N.D. Cal, No. C 94-02307, March 20, 1998.

3191. Property Registration and Disposition.

Subsections 3191 (a) through (b) are unchanged.

Subsection 3191 (c) is amended to read:

(c) Inmate personal property not meeting the criteria in section 3190, shall be disposed of in accordance with this section. An inmate shall select one of the methods listed in sections 3191(c)(1) through 3191(c)(5) below for disposing of non-allowable personal property which is unauthorized pursuant to subsection (b) and sections ~~3006 and~~ 3190. If the inmate makes no selection or has insufficient funds, staff shall document that fact and determine the method of disposition. Property that is considered contraband pursuant to section 3006(a) or (c) will be disposed of by staff determination shall be retained by staff as may be required by ongoing investigation or court order.

Following the completion of all disciplinary, investigative, or court requirements, the contraband property shall be disposed of according to institutional/facility procedures.

Subsections 3191(c)(1) through (d) are unchanged.

NOTE: Authority cited: Section 5058 and 5058.3, Penal Code. Reference: Sections 2601 and 5054, Penal Code.